IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 322 (SS) of 2007

Smt. Pushpa,
W/o Sri Adtar Singh,
Serving as Registration Clerk
In the office of Sub Registrar,
Dehradun.
Uttarakhand **……..Petitioner**

Versus

1. State of Uttarakhand through Principal Secretary, Department of Finance and Revenue, Government of Uttarakhand, Dehradun.
2. Inspector General, Stamp and Registration, Uttarakhand, Dehradun.
3. State of U.P. through Principal Secretary, Department of Finance and Revenue, Government of U.P., Lucknow.
4. Union of India through Secretary, Ministry of Personnel, Public Grievances and Pensions, (department of Personnel and Training), Government of India, Lok Naik Bhawan, III Floor, Khan Market, New Delhi.
5. State Advisory Committee constituted under U.P. Re-organization Act 2000, Gate No. 31, Jawahar Lal Nehru Stadium, New Delhi through its Chairman.
6. District Registrar, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Smt. Janaki Surya, learned counsel for the petitioner, Smt. Farida Siddiqui, learned standing counsel for Union of India on behalf of respondents no. 4 and 5, Smt. Beena Pandey, learned standing counsel for the State of Uttar Pradesh, on behalf of respondent no. 3 and Sri H.M. Raturi, learned standing counsel for respondent nos. 1, 2 and 6.

By means of this writ petition, the petitioner has prayed for the following relief:

a. *Issue a writ, order or direction in the nature of Mandamus restraining the respondents no. 1, 2 and 6 from relieving the petitioner for State of U.P.*

b. *Issue a writ, order or direction in the nature of Mandamus commanding the respondents no. 4 and 5 to consider the petitioner's claim for inclusion in the list of employee finally allocated to Uttarakhand state in view of the petitioner's domicile and option.*

c. *issue any other writ, order or direction, which this Hon'ble court may deem fit and proper in the circumstances of the case.*

d. *Award the cost of the writ petition in favour of the petitioner.*

The submission of the learned counsel for the petitioner is that petitioner was appointed as Registration Clerk by District Registrar, Dehradun on 05.07.1985. Petitioner is permanent resident of State of Uttarakhand, however, before creation of State of Uttarakhand, petitioner had opted for State of U.P. and now Union of India has finally allocated the petitioner for State of U.P. and in pursuance to the Final Allocation List, State of Uttarakhand is going to relieve the petitioner for State of U.P. Petitioner after creation of State of Uttarakhand had given representation to allot her State of Uttarakhand. The said representation was moved by the petitioner on 19.07.2004, addressed to Inspector General, Registration, Uttarakhand, Dehradun.

Learned counsel for the petitioner has submitted that the said representation was duly forwarded by the Inspector General, Registration, Uttarakhand, Dehradun to the competent authority, however, without taking action on the representation of the petitioner, on 03.08.2004 petitioner has been finally allocated t o State of U.P.

I do not find any ground to issue direction to the State of Uttarakhand not to relieve t he petitioner for State of U.P. However, it is expected from the competent authority i.e. respondent no. 4 to decide the representation of the petitioner dated 19.07.2004, which was duly forwarded by Inspector General, Registration, Uttarakhand, Dehradun, as early as possible. The Competent Authority while considering the representation of the petitioner shall also consider the letter dated 20.03.2007 written by Inspector General, Registration, Uttarakhand, Dehradun wherein it is stated that posts of Registration Clerk are vacant in the State of Uttarakhand and further that petitioner is permanent resident of State of Uttarakhand.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

April 26, 2007
SKSharma